

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
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Rockville, Maryland 20850

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

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**Case No. S-2756**

**PETITION OF GOKALDAS C. AND JOSEPHINE A. PARIKH**

OPINION OF THE BOARD

(Opinion Adopted March 10, 2010)

(Effective Date of Opinion: April 2, 2010)

Case No. S-2756 is an application for a special exception, pursuant to Section 59-G-2.00 of the Zoning Ordinance, to permit an accessory apartment. The Hearing Examiner for Montgomery County held a public hearing on the application on December 11, 2009, closed the record in the case on January 29, 2010, and on February 19, 2010 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot P14; Block T, located at 11100 Woodson Avenue, Kensington, Maryland, 20895, in the R-60 Zone.

Decision of the Board:                      Special Exception **Granted** Subject to  
The Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on March 10, 2010. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. The Petitioners shall be bound by all of their testimony, representations and exhibits of record identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board;
2. The Petitioners shall take the following steps to comply with the items set forth in the December 1, 2009, Memorandum of Elba Benitez, Housing Code Inspector, Division of Housing and Code Enforcement (Exhibits 13):

- a. An operable exterior light must be provided to the entrance/exit door.
- b. All double cylinder door locks must be replaced with a single cylinder thumb turn lock on entrance/exit doors or remove and repair door in a professional workman-like manner.
- c. Rear entrance/exit door needs an automatic door closer for glass door.
- d. Eliminate all exposed wiring in laundry room.
- e. Exterior solid waste must be removed.
- f. Owner must obtain all permits PLUMBING, MECHANICAL AND ELECTRICAL and have them finalized and meet all applicable requirements under Chapter 26 Housing and Building Maintenance standards.

3. Petitioners must comply with the Department of Housing and Community Development's (DHCA's) determination of the maximum permitted occupancy for the accessory apartment (*i.e.*, the accessory apartment may be occupied by two (2) unrelated persons or a family not to exceed four (4) persons), and any other DHCA directives needed to insure that the accessory apartment is maintained up to Code;

4. Petitioners must occupy one of the dwelling units on the lot on which the accessory apartment is located;

5. Petitioners must not have a guest room for rent, a boardinghouse or a registered living unit, in addition to the accessory apartment, and they must not receive compensation for the occupancy of more than one dwelling unit;

6. Petitioners must make one parking space available for their accessory apartment tenant, either off-street or on the street directly in front of Petitioner's home;

7. Petitioners must extend the walkway from the driveway to the accessory apartment's entrance.

8. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by David K. Perdue, Vice-Chair, seconded by Stanley B. Boyd, with Carolyn J. Shawaker and Catherine G. Titus, Chair, in agreement and Walter S. Booth necessarily absent, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 2<sup>nd</sup> day of April, 2010.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.